

EXHIBIT E35

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES

3 JOANNE ANDERSON and
4 GARY ANDERSON,)
5 Plaintiffs,) Case No.
6 vs.) JCCP 5674/BC666513
7 BORG-WARNER CORPORATION by
8 its successor-in-interest
9 BORG-WARNER MORSE TEC,
10 INC., et al.,)
11 Defendants.)
12
13 CAROLYN WEIRICK and ELVIRA
14 GRACIELA ESCUDERO LORA,)
15 Plaintiffs,) Case No.
16 vs.) JCCP 4674/BC656425
17 BRENNTAG NORTH AMERICA,
18 INC., etc., et al.,)
19 Defendants.)
20
21 DEPOSITION OF
22 WILLIAM E. LONGO, PhD
23
24 March 29, 2018
25 10:00 a.m.

11340 Lakefield Drive
Suite 200
Johns Creek, Georgia

Debra R. Luther, RMR, CRR, CCR-B-881
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<p>1 INDEX TO EXAMINATIONS</p> <p>2</p> <p>3 <u>Examination</u> <u>Page</u></p> <p>4</p> <p>5 Examination by Mr. Bailey 7</p> <p>6 Examination by Mr. Krasinski 93</p> <p>7 Examination by Mr. Massenburg 154</p> <p>8</p> <p>9 - - -</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Atlanta Reporters, Inc. 866-344-0459 www.atlanta-reporters.com</p>	<p>1 (Reporter disclosure made pursuant to</p> <p>2 Article 10.B. of the Rules and Regulations of</p> <p>3 the Board of Court Reporting of the Judicial</p> <p>4 Council of Georgia.)</p> <p>5 WILLIAM E. LONGO, PhD,</p> <p>6 having been first duly sworn, was examined and</p> <p>7 testified as follows:</p> <p>8 EXAMINATION</p> <p>9 BY MR. BAILEY:</p> <p>10 Q. Good morning, Dr. Longo.</p> <p>11 A. Good morning, Mr. Bailey. How are you?</p> <p>12 Q. I'm great. Thank you. I'm here for</p> <p>13 Johnson & Johnson Consumer Products. I mentioned</p> <p>14 that to you earlier; correct?</p> <p>15 A. Yes, sir.</p> <p>16 Q. I'm here to take your deposition in Joanne</p> <p>17 Anderson and Carolyn Weirick. Do you understand</p> <p>18 that?</p> <p>19 A. I do.</p> <p>20 Q. Can you give me a little bit of</p> <p>21 information about what preparation work you did,</p> <p>22 let's take the Anderson case specifically, to prepare</p> <p>23 for your deposition today?</p> <p>24 A. I read her three volumes of testimony --</p> <p>25 is it three? I think it was three, either two or</p> <p>Atlanta Reporters, Inc. 866-344-0459 www.atlanta-reporters.com</p>
<p>1 INDEX TO EXHIBITS</p> <p>2</p> <p>3 Defendant's <u>Exhibit</u> <u>Description</u> <u>Page</u></p> <p>4</p> <p>5 1 Anderson deposition and trial 61</p> <p>6 2 Cover letter of 3/14/2018 and 61</p> <p>7 subpoenas</p> <p>8 3 Handwritten notes by Longo for 63</p> <p>9 Anderson</p> <p>10 4 Handwritten notes by Longo for 63</p> <p>11 Weirick</p> <p>12 5 Cover letter of 3/21/2018 from SGPB 63</p> <p>13 to Longo</p> <p>14 6 Report of 2/8/2018 by Lee Poye of 66</p> <p>15 J3 Resources</p> <p>16 7 PowerPoint: Adding TEM to the 69</p> <p>17 Global Talc Specification</p> <p>18 (McCarthy)</p> <p>19 8 J&J memo of 8/9/1973 re: FDA phone 72</p> <p>20 call</p> <p>21 9 Longo file in Weirick case 86</p> <p>22 10 MAS Analyses on talc in Anderson 87</p> <p>23 case</p> <p>24 11 ASTM D5755, Standard Test Method 121</p> <p>25 for Microvacuum Sampling and</p> <p>Indirect Analysis of Dust by</p> <p>Transmission Electron Microscopy</p> <p>for Asbestos Structure Number</p> <p>Surface Loading</p> <p>(A disk(s) containing scanned copies of</p> <p>Exhibits 1 through 11 have been attached to the</p> <p>original transcript, the originals having been</p> <p>retained by Dr. Longo.)</p> <p>Atlanta Reporters, Inc. 866-344-0459 www.atlanta-reporters.com</p>	<p>8</p> <p>10:04:47 1 three -- I have them -- and I read her husband's</p> <p>10:04:50 2 testimony.</p> <p>10:04:50 3 Q. About how much time do you think you have</p> <p>10:04:52 4 in preparing for that part of this deposition?</p> <p>10:04:58 5 A. It was around 500, 600 pages. Somewhere</p> <p>10:05:02 6 around seven to eight hours plus some brief</p> <p>10:05:06 7 calculations on potential amount of bottles she may</p> <p>10:05:11 8 have encountered during her -- children during</p> <p>10:05:16 9 diapering and her bowling, maybe ten hours, eight to</p> <p>10:05:23 10 ten, somewhere around there.</p> <p>10:05:24 11 Q. We'll set aside the fact that you have</p> <p>10:05:26 12 examined two of the bottles that she provided to her</p> <p>10:05:30 13 attorneys; correct?</p> <p>10:05:30 14 A. Correct.</p> <p>10:05:31 15 Q. Okay. So setting that time aside, have</p> <p>10:05:34 16 you done anything else to prepare for this part of</p> <p>10:05:37 17 the deposition?</p> <p>10:05:37 18 A. I mean, I went through a list of files or</p> <p>10:05:44 19 studies and files and materials that I would be</p> <p>10:05:50 20 relying on, just general overview, you know, another</p> <p>10:05:54 21 few hours.</p> <p>10:05:55 22 Q. Have you done any or made any attempt to</p> <p>10:05:59 23 calculate any exposure levels that Ms. Anderson may</p> <p>10:06:02 24 have had as a result to any products in this case?</p> <p>10:06:05 25 A. I calculated out how many potential</p> <p>Atlanta Reporters, Inc. 866-344-0459 www.atlanta-reporters.com</p>

11:34:41 1 nothing to do with my opinions.
11:34:42 2 Q. What are you expecting to find? I'm just
11:34:45 3 curious why you would do it if it doesn't change your
11:34:48 4 opinion.
11:34:48 5 A. I just want to fully characterize it
11:34:51 6 because it's not ferro-anthophyllite to the true
11:34:53 7 chemical formula of ferro-anthophyllite, so I just
11:34:56 8 want to be able to say that this is the percentage of
11:34:59 9 iron versus when we don't have any iron in it versus
11:35:03 10 ferro-anthophyllite type thing. It's still
11:35:06 11 anthophyllite asbestos.
11:35:07 12 Q. What test will you perform to come to that
11:35:10 13 conclusion?
11:35:10 14 A. I may do some quantitative EDS and try to
11:35:18 15 look at some standards of high-iron anthophyllite if
11:35:21 16 I can find some.
11:35:25 17 Q. You have no intention of going back and
11:35:28 18 performing any PLM work on any of the samples you've
11:35:34 19 done; is that true?
11:35:35 20 A. Well, it's already been done.
11:35:37 21 Q. Do you have any plans to perform any
11:35:42 22 additional work on any samples that you've performed
11:35:46 23 in the Johnson & Johnson products?
11:35:47 24 A. All the Johnson & Johnson products for
11:35:50 25 where we had enough material to do both PLM and
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11:35:53 1 XRD -- I have the report -- has already been done.
11:35:57 2 My plan would be to do all the additional
11:35:59 3 samples coming up, especially all the MDL samples, to
11:36:05 4 have a third-party lab do the PLM and XRD.
11:36:08 5 Q. So that I don't miss something, since
11:36:16 6 August 2nd, 2017, have you done additional tests on
11:36:19 7 the samples that are reflected in that study?
11:36:23 8 A. The answer would be yes -- and I'm just
11:36:28 9 looking for it. Off the record.
11:38:17 10 (Discussion off the record.)
11:38:17 11 (Defendant's Exhibit 6 was marked for
11:38:17 12 identification.)
11:38:17 13 Q. (By Mr. Bailey) So tell me what Longo 6
11:38:21 14 is for the record.
11:38:23 15 A. This is a report from JP -- J3, and we
11:38:29 16 sent them -- let me get the chain of custodies out.
11:38:44 17 We sent them 26 samples where we had
11:38:48 18 enough material that they needed 5 to 7 grams to do
11:38:54 19 both XRD and PLM from the original study, and the 26
11:38:59 20 samples included two spikes. They were sent blind,
11:39:07 21 meaning I gave them new numbers, you know, so that I
11:39:13 22 didn't expect that Lee Poye would have had my report
11:39:19 23 and try to figure out what samples were what, so I
11:39:24 24 switched the samples, gave them new numbers, and he
11:39:27 25 used the R-93 PLM method as well as the EPA -- the
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11:39:32 1 XRD method to determine if he could detect any
11:39:35 2 amphibole asbestos.
11:39:42 3 Q. Okay.
11:39:45 4 A. That's the cheat sheet.
11:39:47 5 Q. All right. I'll put it back.
11:40:02 6 And this was produced at your deposition
11:40:04 7 last week?
11:40:05 8 A. Yes, and it was produced five days before
11:40:07 9 that, the exact same thing.
11:40:12 10 Q. Who determined who you would send this to?
11:40:14 11 A. I determined it.
11:40:15 12 Q. Okay. How did you select them?
11:40:18 13 A. I've known Lee for a long time. He's a
11:40:23 14 good lab. I also understood he did some initial work
11:40:26 15 for talc companies on the defense side, to do some
11:40:31 16 analysis, and I was looking for a good third-party
11:40:34 17 lab. And I also heard that he was involved in the
11:40:40 18 Lanzo case as a rebuttal witness, so that's how I got
11:40:43 19 his name. But I didn't have to get it. I've known
11:40:47 20 about Mr. Poye for a long time.
11:40:52 21 Q. How many bottles did you have initially
11:40:55 22 when you did your test?
11:40:57 23 A. Well, initially we had 31, which include
11:41:03 24 what I was calling at the time control off the shelf.
11:41:11 25 And then we analyzed an additional one that we didn't
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11:41:13 1 get to, 32, so-called missing samples. No samples
11:41:17 2 were missing. And he needed 5 to 7 grams of
11:41:23 3 material, so we just took what we had on each of the
11:41:29 4 samples.
11:41:29 5 Q. I didn't understand them to be missing
11:41:33 6 samples. I thought they were samples you had but
11:41:35 7 weren't reflected on your report; is that right?
11:41:37 8 A. Well, they were actually in the chain of
11:41:39 9 custody. I didn't have my original report where I
11:41:43 10 could find stuff. So nothing was missing. It was
11:41:45 11 four empty cans and one sample we didn't get to.
11:42:07 12 MR. BAILEY: We've been going a little
11:42:09 13 while. Do you want to take another 5-minute
11:42:14 14 break?
11:42:15 15 THE WITNESS: Sure. That would be great.
11:42:16 16 (Recess from 11:42 a.m. to 11:53 a.m.)
11:53:23 17 Q. (By Mr. Bailey) Other than what we've
11:53:25 18 discussed in the Anderson case, review of the
11:53:30 19 depositions, the tests you've done, have you done
11:53:33 20 anything else to prepare for the deposition?
11:53:37 21 A. I went through the calculations for the
11:53:39 22 amount of bottles. I looked to see what type of
11:53:43 23 exposures these two plaintiffs may have had.
11:53:47 24 You know, we have a below-the-waist study
11:53:51 25 which Mrs. Weirick actually used that type of
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1 CERTIFICATE

2

3 STATE OF GEORGIA:

4 COUNTY OF GWINNETT:

5

6 I hereby certify that the foregoing

7 transcript was taken down, as stated in the

8 caption, and the questions and answers thereto

9 were reduced to typewriting under my direction;

10 that the foregoing pages 1 through 192 represent

11 a true, complete, and correct transcript of the

12 evidence given upon said hearing, and I further

13 certify that I am not of kin or counsel to the

14 parties in the case; am not in the regular

15 employ of counsel for any of said parties; nor

16 am I in anywise interested in the result of said

17 case.

18 This, the 5th day of April 2018.

19

20 _____

21 DEBRA R. LUTHER, B-881

22 Georgia Certified Court Reporter

23

24

25

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1 DEPOSITION OF WILLIAM E. LONGO, PhD /DRL

2 I do hereby certify that I have read all

3 questions propounded to me and all answers given by

4 me on the 29th day of March 2018, taken before

5 Debra R. Luther, and that:

6 _____ 1) There are no changes noted.

7 _____ 2) The following changes are noted:

8 Pursuant to Rule 30(e) of the Federal Rules of

9 Civil Procedure and/or the Official Code of Georgia

10 Annotated 9-11-30(e), both of which read in part:

11 Any changes in form or substance which you desire to

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1 DEPOSITION OF WILLIAM E. LONGO, PhD /DRL

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6 Page No. _____ Line No. _____ should read: _____

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10 Page No. _____ Line No. _____ should read: _____

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12 Page No. _____ Line No. _____ should read: _____

13 _____

14 If supplemental or additional pages are necessary,

15 please furnish same in typewriting annexed to this

16 deposition.

17

18 WILLIAM E. LONGO, PhD

19 Sworn to and subscribed before me,

20 This, the _____ day of _____ 20____.

21

22 Notary Public

23 My commission expires: _____

24

25

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